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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,712	10/16/2000	Guido Reeck	P-00,1260	4663

7590

03/04/2002

Schiff Hardin & Waite  
6600 Sears Tower  
233 South Wacker Drive  
Chicago, IL 60606-6473

EXAMINER

THOMPSON, GREGORY D

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 03/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,712

Applicant(s)

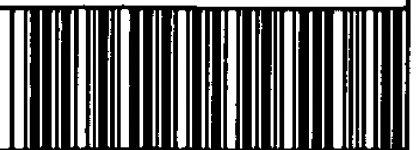
Reeck

Examiner

Gregory Thompson

Art Unit

2835



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Oct 16, 2000

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-8 and 10-17 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-8, 10-14, 16, and 17 is/are rejected.

7) ☒ Claim(s) 15 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some\* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5/16/00

18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

*Gregory Thompson*  
Primary Examiner

Art Unit: 2835

1. European '401, Germany '268, '970, '541, '919, '778 considered as understood from the drawings since no translations filed.
2. Amendment to page 1 lines 28 and 29 not entered for lines do not match up.
3. Claims 1-8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-8 are indefinite/confusing for there is no clear antecedent for "the housing, the subassemblies" for the use of the term "for" in line 1 renders the housing and subassemblies not claimed.

Claim 10, line 3 language of "at least one air inlet" and lines 5-6 languages of "each air inlet" not consistent language. Language of at least one can mean one or more but the language of each means more than one.

Above are examples of 112 problems with some of the claims. All claims should be carefully reviewed for 112 problems and corrected.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 2835

Claims 1, 4, 7-8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ghorbani et al.

The air filter sheet is 38 and 34 including material 40. Sheet 38 would inherently filter dirt particles. The subassemblies, housing are not claimed in claim 1 from the use of the term "for" in claim 1 as discussed in paragraph 3 above.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fuglister.

The filter is 55. The subassemblies, housing not claimed as discussed above.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1, 7-8 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kawakita.

*The filter is 16.*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2835

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-8, 10-14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Technical Disclosure Bulletin, Vol. 17, No 9 in view of Kobayashi.

IBM bulletin discloses a housing containing electrical modules or subassemblies with the housing having at least one air inlet and one air outlet with an air filter being arranged in the at least one air inlet. The air guide or guides would be 11 to guide the air and to shield each subassembly. The fan would be 13.

It is considered obvious to add numerous air inlets and filters to the housing at respective locations for example side and/or bottom area, upper and/or side area to provide excellent filtered cooling to subassemblies 14.

Kobayashi discloses an air cleaning water-repellent filter to prevent water/moisture and particles like dirt and the like from entering factories, building and etc. in cols. 1-2.

Therefore, it is considered obvious to one skilled to replace filter(s) 13 with the Kobayashi filter to prevent water/moisture and dirt or the like from entering the housing to prevent the subassemblies from electrical breakdown and to be cooled by clear filtered air to provide excellent subassembly operation in a hostile environment.

Regarding claims 5, 14, it is considered obvious to use a known control device to control the fan motor speed to provide a constant temperature in the interior of the housing to provide excellent cooling to the subassemblies.

Art Unit: 2835

8. Claims 1-5, 7-8, 10-14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghorbani et al in view of Kobayashi.

Ghorbani discloses an outside housing with numerous inlets/outlets for telecommunications equipment or subassemblies with filters 36 and 38 to filter the air and water entering the inlets 26 to provide excellent subassembly operation.

Kobayashi discloses a single air filter to filter the air and water from the air. Therefore, it is considered obvious to one skilled in the art to replace the filters 34 and 38 with just one filter as taught by Kobayashi to filter the air from dirt or the like and water to provide filtered air for excellent cooling and operation of the subassemblies.

It is considered obvious to one skilled to provide known air guides underneath and/or above the subassemblies to guide the air to the subassemblies to provide excellent cooling and shield the subassemblies for protection or the like.

Considered obvious to one skilled to use a known control devices to control the fan motor speed to provide a constant temperature in the housing to provide excellent cooling to the subassemblies.

9. Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Serial Number: 09/581,712

Page 6

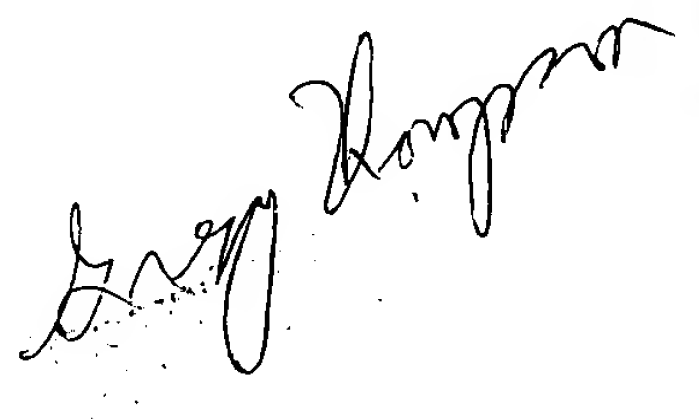
Art Unit: 2835

10. Claim 15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Any inquiry concerning this communication should be directed to Greg Thompson at telephone number (703) 308-2249.

G. Thompson/pj

2/21/02

A handwritten signature in black ink, appearing to read "Greg Thompson", is located in the bottom right corner of the page. The signature is written in a cursive, flowing style.